03

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3150 OF 2004

Smt. Munni Bai, : **PETITIONER**
W/o.Shri Harlal Raikumar,
Aged about 48 years,
R/o. Near Brahaspati Bazar,
BILASPUR(C.G.)

R.R. No. 3146/04
Presented by Shri V.K. Vels. Tiwari
dated 8-9-04

VERSUS

1) State of Chhattisgarh, : **RESPONDENTS**
Through, the Commissioner,
Tribal Welfare Department,
(Schedule Caste & Schedule Tribe Development)
District - Raipur (C.G.)

2) The Collector,
District - Bilaspur (C.G.)

3) The Assistant Commissioner,
Tribal Welfare Department,
(Schedule Cast & Schedule Tribe Development)
Near Collectorate, Bilaspur. (C.G.)

4) The Additional Collector,
District - Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 3150/2004

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

9.9.2005

Petitioner by Shri Yogesh Pandey, Advocate.

Respondents by Shri Bhaskar Pyasi, Panel lawyer.

Heard.

Learned counsel for the petitioner submits that the petitioner was appointed on daily wages as Safai Kamgar (Safai Karmachari) vide order dated 1.3.1997 (Annexure P/2) and ever since the petitioner has been working. By oral order, the petitioner was directed to work at Bagdeva Balak Ashram as Cook, and presently she is working as Cook thereat. The petitioner was appointed on daily wages, fixed by the Collector and by order dated 8.9.2002 (Annexure P/4) the daily wages of Rs. 67.87 was fixed for Safai Karmachari (unskilled worker). According to the petitioner the respondents are not paying wages fixed by the Collector, though the petitioner was appointed on daily wages basis as Safai Karmachari.

The petitioner has filed this petition under Article 226 of the Constitution of India seeking relief against the respondents for payment of salary to the petitioner as per Collector rate mentioned in Annexure P/4. The second prayer made in the petition is to regularize the services of the petitioner on the post of Rasoia i.e. Cook is not maintainable as there is no order or document to prove that she has been working as Cook.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक 3150/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Mr. Pyasi, learned counsel for the respondents submits that the Finance Department, Govt. of Chhattisgarh, by order dated Annexure R/1 dated 26th December, 2001 has imposed a ban on all appointments, therefore, it was decided to pay an amount of Rs. 300/- p.m. to the petitioner as monthly wages.

After hearing learned counsel for the parties and perusing the records, it is established that the petitioner was appointed way back in 1997 as daily wages employee. Thereafter the petitioner has been continuing as Safai Karmachari. According to learned counsel for the petitioner, she was directed orally to work as Cook, but the petitioner has not placed any document on record to prove that the petitioner was directed to work as Cook. Since the petitioner was appointed as Safai Karmachari on daily wages fixed by the Collector time to time, the so-called ban imposed by order dated 26.12.2001 Annexure R/1 is not applicable to the case of the petitioner as she has been working since 1.3.1997. The decision of the respondents to pay an amount of Rs. 300/- p.m. is without any basis as the daily wagers are paid on the basis of daily wages, fixed by the Collector and not on the monthly basis. The order dated 8.9.2002 Annexure P/4 clearly determines the daily wages Rs. 67.87 (applicable in the case of the petitioner) for the period from 1.4.2002 to 30.9.2002 and Rs. 64.76 for the period from 1.10.2001 to 31.3.2002.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3150/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In view of the foregoing, the petition is allowed and the respondents are directed to pay back wages to the petitioner as prescribed in the order dated 8.9.2002 (Annexure P/4). Learned counsel for the petitioner submits that the petitioner is not getting any payment either on daily wages or on monthly basis from November, 2001. The respondents are directed to verify and make payment of wages as fixed by the Collector from November, 2001 within a period of three months. The petition is accordingly allowed. No order as to costs. Certified copy, as per Rules. Sd/- Satish K. Agnihotri Judge	